HON'BLE THE CHIEF JUSTICE SRI G.S. SINGHVI
AND
HON'BLE SRI JUSTICE G. V. SEETHAPATHY

Writ Petition No.17871 of 2006

Between:

We The People (An NGO represented by its Secretary Jyothula Ravi Kumar

… Petitioner

And

The Union of India, represented by its Secretary, Ministry of Human Resource Development, New Delhi and another

… Respondents

:: ORDER::

Counsel for the Petitioner: Sri Vishal Saxena

August 30, 2006

Per G.S. Singhvi, CJ

In this petition filed in the name of public interest litigation, the petitioner has prayed as under:

> "For the reasons stated in the affidavit herein above, the petitioner herein prays that this Hon'ble Court may be pleased to call for records from the respondents pertaining to the issues raised herein above and any other matter that may be touching upon the issues raised in this petition and issue necessary direction, order or writ; more appropriately one in the nature of a WRIT OF MANDAMUS; and
>
> "declare the incapability of the Executive Officers of the respondents in the matters of implementation of **'Mid-Day Meal'** scheme sponsored by the 1st respondent herein and supposed to be implemented with the cooperation and direct supervision of the 2nd respondent herein, resulting into Rampant Corruption in the execution of the Scheme to the extent of serving to school-going children a **FULLY STEAMED AND COOKED DEAD RAT** along with the cooked rice at one of the primary schools in Tadban Area of Hyderabad City, as being Dereliction/Abdication of their constitutional responsibilities and their being incapable of upholding the constitutional values and the Constitution itself and thus their continuance in the Government in violation of Constitution and therefore **ULTRA VIRES.**"
>
> And in the meanwhile;
>
> "direct the 2nd respondent herein to constitute a High Level Investigation Committee to investigate into the functioning of the 'Mid-Day Meal' scheme in the State of Andhra Pradesh and make its recommendation regarding its future."
>
> and pass such other direction, order or orders that may be deemed to be just and necessary and also in the interest of justice by this Hon'ble Court."

In the affidavit filed by Sri Jyothula Ravi Kumar, who has

described himself as Secretary of the petitioner, reliance has been placed on the photo news item published in the Times of India – City Edition dated 4-8-2006 and it has been averred that the implementation of the Mid-Day Meal Scheme introduced by the State Government is a farce and the same being misused by the businessmen, officers and pseudo voluntary organizations.

We have heard Shri Vishal Saxena, learned counsel for the petitioner. In our opinion, the writ petition does not deserve to be entertained at this stage because the petitioner has failed to perform its primary duty of placing before the Court tangible material to show the misuse of Mid-Day Meal Scheme. The petitioner has not produced any evidence to show that the photograph published in the newspaper is genuine and authentic and that no manipulation has been made to sensationalise the issue. While making this observation, we are not suggesting that the stories published in the newspapers can never be made basis for initiation of action in public interest, but it is necessary for the petitioner to first verify the facts and then seek intervention of the Court.

With the above observations, the writ petition is dismissed leaving the petitioner free to first make representation to the concerned authorities of the State Government to highlight the irregularities, if any, committed in the implementation of the Mid-Day Meal Scheme and seek judicial intervention if his representation is not answered by the concerned authorities within a reasonable time. It is also expected of the petitioner that before filing fresh petition, it would make a sincere endeavour to collect facts and figures relating to different types of irregularities committed in the implementation of Mid-Day Meal Scheme.

As a sequel to dismissal of the main writ petition, the prayer

made by the petitioner in WPMP No.22421 of 2006 for interim relief is also dismissed.

G.S. SINGHVI, CJ

G. V. SEETHAPATHY, J

August 30, 2006

svs